

TO: Greenburgh Town Board
CC: Greenburgh Town Clerk

OPINION 2007-2

A member of the Town Board, on September 26, 2007, requested an advisory opinion from the Board of Ethics as to whether he could accept a contribution from a PAC of an Institute for a consortium of developers, builders, contractors, property managers and property suppliers. The inquiry states that the contribution was unsolicited.

According to its website, the Institute appears to be a trade association. The membership of the Institute for whom the PAC acts appears to be numerous unrelated parties with interests in the real estate industry. The Institute charges an annual membership fee and, among other things, provides seminars, group insurance, legislative monitoring and buyer's guides.

Opinion

Section 7A(1) of the Code of Ethics provides that no elected official may "accept any contribution . . . from any Applicant or from an Applicant's Affiliates or from an Applicant's legal representatives or professional consultants or their respective Affiliates."

Since the contributor is a PAC of an Institute for a consortium of unrelated parties, neither the Institute nor the PAC appears to be an Applicant nor a consultant for any particular member who may be an Applicant. Thus, the Board of Ethics advises that acceptance of this unsolicited contribution is not precluded by the Code of Ethics.

Nothing in this Opinion expresses a view, one way or the other, as to a contribution by a PAC for an Applicant or a group of related parties one of whom is an Applicant.

BY THE BOARD OF ETHICS

Adopted at October 2, 2007 Meeting

Voting for: Mr. Jennings

Mr. McLaughlin

Mr. Robinson

Mr. Sigal

Not present: Mr. Bunting